

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.*
Case No. 18-op-45090

*The County of Cuyahoga, Ohio, et al. v.
Purdue Pharma L.P., et al.*
Case No. 17-op-45004

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**DECLARATION OF WILLIAM E. PADGETT
IN SUPPORT OF NON-RICO SMALL DISTRIBUTORS’
MOTION FOR PARTIAL SUMMARY JUDGMENT
ON PREEMPTION GROUNDS BASED ON PLAINTIFFS’
“FAILURE TO REPORT” AND “FRAUD ON THE DEA” CLAIMS**

Pursuant to 28 U.S.C. § 1746, I, William E. Padgett, declare as follows:

1. I am a partner at the law firm of Barnes and Thornburg LLP and counsel for Defendants H. D. Smith, LLC f/k/a H. D. Smith Wholesale Drug Co., H. D. Smith Holdings, LLC, and H. D. Smith Holding Company.
2. I submit this declaration for the purpose of transmitting a true and correct copy of the exhibit to support the motion for partial summary judgment of H. D. Smith, LLC; H. D. Smith Holdings, LLC; H. D. Smith Holding Company; Anda, Inc.; Henry Schein, Inc.; Henry Schein Medical Systems, Inc.; and Prescription Supply, Inc. on preemption grounds based on Plaintiffs’ “failure to report” and “fraud on the DEA” claims.
3. Attached as Exhibit A is a true and accurate copy of excerpts from Cuyahoga County’s Supplemental Response and Objections to Distributor Defendants’ Interrogatories, dated March 4, 2019, Response No. 24, which were served in the above-captioned case.

4. I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 28th day of June, 2019.

/s/ William E. Padgett

William E. Padgett

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